

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FCS ADVISORS, LLC,

Plaintiff,

—against—

THEIA GROUP, INC., d/b/a “THORIAN GROUP” and/or “CYPHERIAN”; THEIA AVIATION, LLC; and THEIA HOLDINGS A, INC., d/b/a “THORIAN HOLDINGS,”

Defendants.

21 Civ. 6995 (PKC)

CERTIFICATE OF NO OBJECTION REGARDING DOCS. 316 - 318

TO THE HONORABLE P. KEVIN CASTEL,
UNITED STATES DISTRICT COURT JUDGE:

I, Kurt F. Gwynne, Esquire, counsel to Michael Fuqua, as receiver (the “Receiver”) for Theia Group, Inc., Theia Aviation LLC, and Theia Holdings A, Inc. in the above-captioned matter, hereby certify the following:

1. On January 17, 2023, Reed Smith LLP filed the (i) *Notice of Expedited Motion of Receiver for an Order Further Extending the Stay Provided in the Receivership Order* (Doc. 316); (ii) *Memorandum of Law in Support of Expedited Motion of Receiver for an Order Further Extending the Stay Provided in the Receivership Order* (Doc. 317); and (iii) *Declaration of Michael Fuqua, as Receiver, in Support of Expedited Motion of Receiver for an Order Further Extending the Stay Provided in the Receivership Order* (Doc. 318) (collectively, the “Motion”), pursuant to which the Receiver requested that the Court enter an Order (a) extending the stay provided for in paragraph 4 of the *Order Appointing Michael Fuqua as Receiver* (Doc. 117) (the “Receivership Order”) through and including April 30, 2023, without prejudice to (i) the Receiver’s right to seek further extensions of the Receivership Stay or (ii) the

right of any party or non-party under paragraph 4 of the Receivership Order to seek relief from the Receivership Stay; and (b) granting such further relief as appropriate.

2. The Motion was served by Reed Smith LLP on January 18, 2023 and January 19, 2022. *See Doc. 319.* Pursuant to paragraph 15 of the Receivership Order, Federal Rule of Civil Procedure 6(d), and Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, the deadline to file opposing affidavits and answering memoranda with respect to the Motion was January 25, 2023.

3. As of the date hereof, the undersigned has received no answer, objection, or other responsive pleading to the Motion other than *Plaintiff FCS Advisors, LLC's Response to Expedited Motion of Receiver for an Order Further Extending the Stay Provided in the Receivership Order* (Doc. 321) (the “Response in Support”), by which Plaintiff FCS Advisors, LLC indicates its support for the relief requested by the Motion. The undersigned has reviewed the Court’s docket in this case and, other than the Response in Support, no answer, objection, or other responsive pleading to the Motion appears thereon.

4. Accordingly, the Receiver respectfully requests that the Court enter the Order granting the relief requested by the Motion, substantially in the form attached hereto as **Exhibit A**, at the Court’s earliest convenience.

Dated: January 26, 2023
New York, New York

Respectfully submitted:

REED SMITH LLP

By: /s/ Kurt F. Gwynne

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*Counsel for Michael Fuqua, in his capacity as
Receiver of Theia Group, Inc., Theia Aviation LLC,
and Theia Holdings A, Inc.*